IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 22ND JANUARY 2007 / 2ND MAGHA 1928

Crl.Rev.Pet.No. 1031 of 2006()

CRA.356/2004 of ADDL. SESSIONS COURT (ADHOC), THODUPUZHA
CC.216/2002 of CHIEF JUDICIAL MAGISTRATE COURT, THODUPUZHA

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REVN. PETITIONER: APPELLANT/ACCUSED.

S.RADHAKRISHNAN NAIR,S/O.SREEDHARAN NAIR
KOODATHINAL KUNNEL HOUSE,MANAKKAD KARA,
MANAKKAD VILLAGE,THODUPUZHA TALUK.

BY ADV. SRI.GRASHIOUS KURIAKOSE

RESPONDENTS: RESPONDENTS/COMPLAINANT & STATE.

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1. E.K.JOHN, S/O. KORA,
ILLIKKAL VEEDU, KOLANI KARA,
THODUPUZHA VILLAGE, THODUPUZHA TALUK.

2. STATE OF KERALA, REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY ADV. SRI.GEORGE THOMAS (MEVADA)
PUBLIC PROSECUTOR SRI.KAMAPPU

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 22/01/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J.

Crl.R.P.NO. 1031 OF 2006

Dated this the 22nd day of January, 2007.

ORDER

This Revision Petition is directed against a concurrent verdict of guilty, conviction and sentence imposed on the petitioner in a prosecution under Section 138 of the Negotiable Instruments Act. The respondent has also entered appearance through counsel.

2. When this revision petition came up for hearing, the learned counsel for the petitioner and the respondent have submitted that the matter has been settled amicably between the parties. They have filed a joint application for composition duly signed by the rival contestants and counter signed by the respondent's counsel. The learned counsel for the respondent/complainant vouches that the signature appearing in the application for composition is that of the complainant.

3. The offence punishable under Section 138 of the N.I Act is now compoundable after amendment to the N.I Act. I am satisfied, from the submissions made by the counsel as also the joint statement filed by them, that the parties have settled their dispute amicably. I find no reason not to accept the composition.

The composition can now be accepted and granted requisite leave under Section 320(6) Cr.P.C.

4. In the result:

i) Crl.M.A.No.902 of 2007 is allowed and the composition is accepted after granting the requisite leave;

ii) The acceptance of the composition shall have the effect of acquittal of the accused of the offence punishable under Section 138 of the N.I Act as stipulated under Sec.320(8) of the Cr.P.C;

iii) This revision petition is accordingly allowed. The impugned judgments are set aside. The bail bond executed by the accused shall stand discharged and he is set at liberty.

R.BASANT
JUDGE

jsr

R.BASANT, J.

Crl.R.P.NO. 304 OF 2006

Dated this the 26th day of June, 2006.

ORDER

(R.BASANT, JUDGE)

rtr/

5. An amount of Rs.20,000/- is said to be deposited before the trial court. Both counsel prays that the same amount may be released to the revision petitioner/accused. The request is accepted. If the amount is available, the same shall be released to the accused / petitioner herein